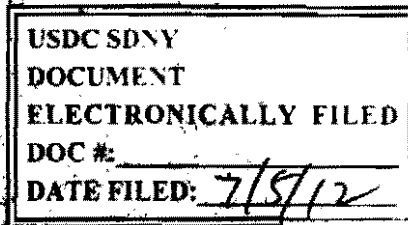


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



STEVEN MERCIER,

Plaintiff,

-against-

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS et al.,

Defendants.

**ORDER REQUIRING PLAINTIFF
TO AMEND COMPLAINT AND
DENYING DEFENDANTS'
MOTION TO DISMISS**

12 Civ. 2064 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff's Complaint, alleged in 96 paragraphs and 10 counts, is inordinately confusing, prolix and, generally violative of Fed. R. Civ. P. 8(a). It begins with a complicated factual narrative, spread over 52 paragraphs. Claims then follow, under the Family Leave Act, including for interference and retaliation, under the Americans with Disabilities Act, for discrimination because of Plaintiff's alleged disability, and under a variety of New York State and New York City laws. But, despite the prolixity, it is impossible to understand what acts are relevant to what claims and give rise to what damages. As to damages, the Complaint is entirely ambiguous.

Plaintiff, within 10 days, shall amend his Complaint to provide a "short and plain statement" of each claim, showing his entitlement to the relief that he seeks for each claim. See Fed. R. Civ. P. 8(a)(2). Facts shall be arranged in relation to each claim, not bunched in a narrative. If Plaintiff seeks damages, the damages shall be alleged in relation to each count. Defendants are entitled to fair notice of each claim against each Defendant, to enable each Defendant to admit or deny the relevant allegations.

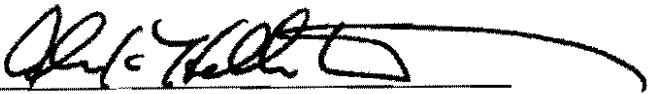
Defendants' motion to dismiss is denied as premature.

The Clerk shall mark the motion (Doc. No. 9) terminated.

SO ORDERED.

Dated:

July 3, 2012
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge